

# Staff Summary Report



Board of Adjustment Hearing Date: May 23, 2007

Agenda Item Number: 3

**SUBJECT:** This is a public hearing for an appeal by **COTTRELL RESIDENCE (PL070162)** located at 923 East Carver Road for one (1) variance.

**DOCUMENT NAME:** 20070523dssl01

**PLANNED DEVELOPMENT (0406)**

**SUPPORTING DOCS:** Yes

**COMMENTS:** Hold a public hearing for the appeal of the Hearing Officer's decision of May 1, 2007 to modify the request by the **COTTRELL RESIDENCE (PL070162/VRA07001)** (Craig & Andrea Cottrell, applicants/property owners) located at 923 East Carver Road in the AG, Agricultural District for:

**VAR07015** Variance to reduce the front yard setback from forty (40) feet to ~~twenty-four (24)~~ **thirty-two (32)** feet to allow for a garage. **MODIFIED BY HEARING OFFICER**

**PREPARED BY:** Sherri Lesser, Senior Planner (480-350-8486)

**REVIEWED BY:** Steve Abrahamson, Senior Planner (480-350-8359)

**FINAL REVIEW BY:** Lisa Collins, Planning Director (480-350-8989)

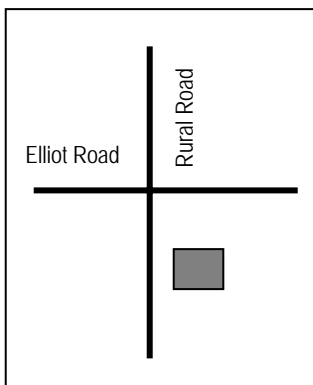
A handwritten signature in black ink, appearing to be 'LC' or similar initials.

**LEGAL REVIEW BY:** N/A

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Staff – Denial of the appeal

**ADDITIONAL INFO:** The Cottrell Residence is appealing the Hearing Officer decision to modify their requested variance and approve the reduction of the front yard setback from forty (40) feet to thirty-two (32) feet. The applicant was originally seeking a variance to reduce the front yard setback from forty (40) feet to twenty-four (24) feet. The applicant has provided updated information in their letter of appeal stating that there is a septic tank and leach field behind the southeast corner of the house; limiting the ability to construct on the back side of the residence. Staff acknowledges that a driveway entrance on the west side of the lot to the rear of property would be prohibited by City Code requirements for pavement on the lot.



Staff recommends upholding the modified variance approved by the Hearing Officer. In accordance with the Zoning and Development Code, the applicant held a neighborhood meeting on April 16, 2007 and to date staff has received no opposition to this request.

**ATTACHMENTS:**

1. List of Attachments
  2. Comments; Reason for Approval; Conditions of Approval; History & Facts
  3. Description; Zoning & Development Code Reference
- 
- A. Location Map(s)
  - B. Aerial Photo(s)
  - C. Letter of Intent
  - D. Site plan
  - E. Elevation
  - F. Floor Plan
  - G. Building Section
  - H. Letter of Appeal
  - I. Site Plan with septic tank identified
  - J. Aerial with septic tank identified

**COMMENTS:**

The Cottrell Residence is requesting a variance to reduce the front yard setback from forty (40) feet to twenty four (24) feet. The proposed structure will be an attached garage for potential storage of three vehicles. The addition will complement the house in design. The structure will be located adjacent to and accessed by an existing circular concrete driveway.

**Variance**

The Zoning and Development Code Development Standards require the setbacks for dwellings, in the AG- Agricultural District, to be located forty (40) from the front property line. According to the applicant's letter of explanation; if the garage were to be located on the rear side of the house there would not be sufficient turning radius available on site to access the garage without major modifications to the existing patios. In addition, they have determined that their septic tank and leach field are located at the southeast corner of the house; limiting the ability to construct an addition on the backside of the house. They believe it is important to maintain the openness of the back pasture area to be in character with the surrounding agriculturally zoned properties and that placement of the structure closer to the front property line is not obtrusive or out of character with the R1-7, Single Family Zoned Properties located across the street.

**Conclusion**

The Hearing Officer approved the variance based on what would be allowed per the Zoning and Development Code with a use permit standard for a 20% reduction in the setback. Staff recommends upholding the Hearing Officer decision and denial of the appeal.

**REASON(S) FOR****DENIAL:**

1. No special circumstances or conditions applying to the land, building or use exist.
2. The authorizing of the variance is not necessary for the preservation and enjoyment of substantial property rights.
3. Authorization of the variance(s) will may be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general.

**SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.**

**CONDITION(S)****OF APPROVAL:**

1. Obtain all necessary clearances from the Building Safety Department.
2. Obtain all necessary clearances from the Public Work Department for on-site retention for expansion of pavement in front yard.
3. Per Tempe City Code; improved paved areas shall not exceed 35% of the front and side areas visible from the street.

**HISTORY & FACTS:**

April 17, 2007.

The Hearing Officer approved a variance for the Cottrell Residence modifying their request to reduce the front setback from forty feet (40) to thirty-two feet (32). The applicant originally requested twenty-four feet (24).

**DESCRIPTION:**

Owner – Craig & Andrea Cottrell  
Applicant – Craig & Andrea Cottrell  
Existing zoning – AG, Agricultural District  
Lot Size- 42,397 s.f.  
Net Acre- .97  
Lot Dimensions- 146.22 x 290  
Existing residence building area- 2900 s.f.  
Proposed building area- 660 s.f.  
Lot coverage allowed- 25%  
Lot Coverage (proposed)- 8.3%  
Required front yard setback- 40'  
Proposed front yard setback- 24'

**ZONING AND  
DEVELOPMENT**

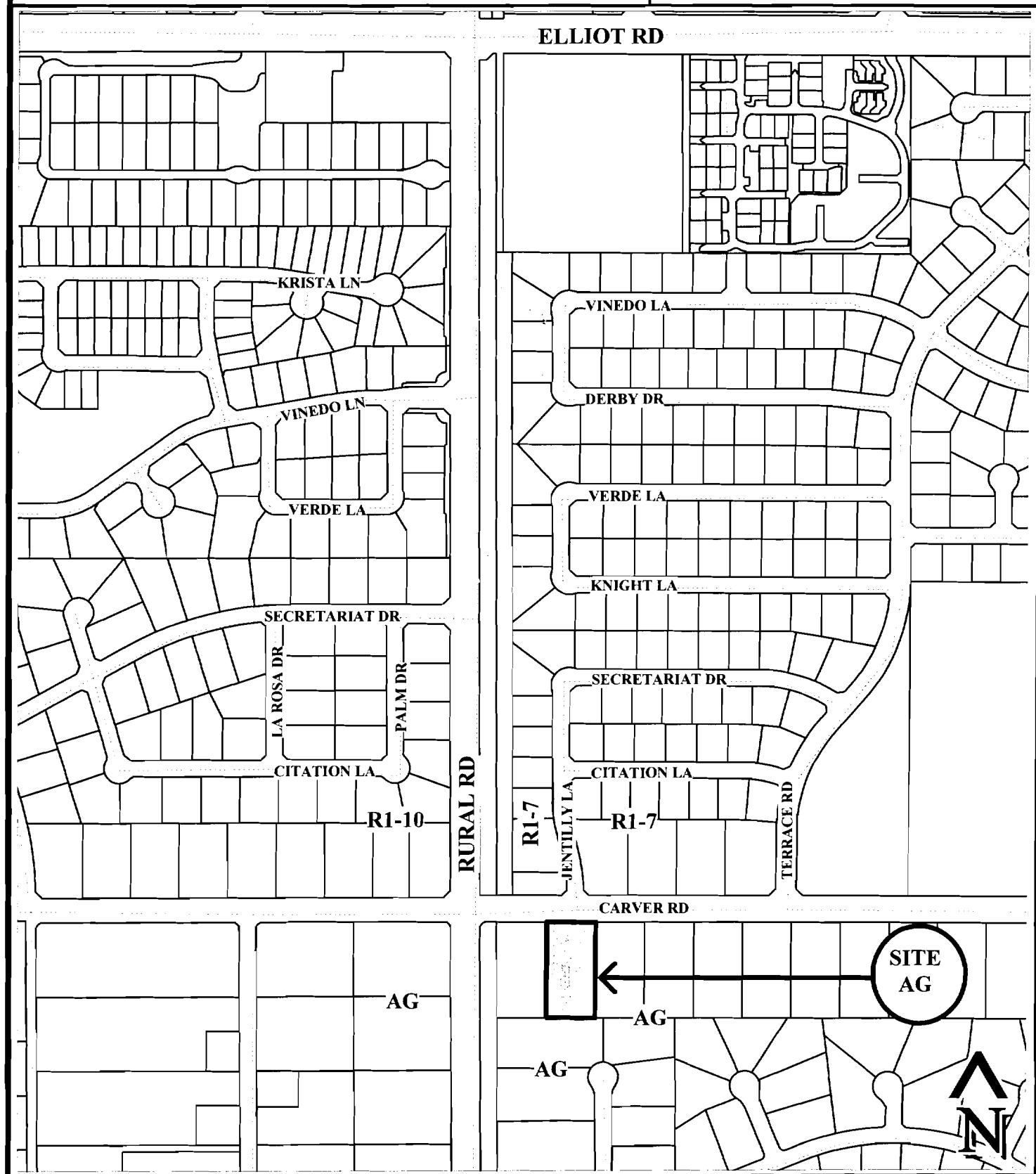
**CODE REFERENCE:**

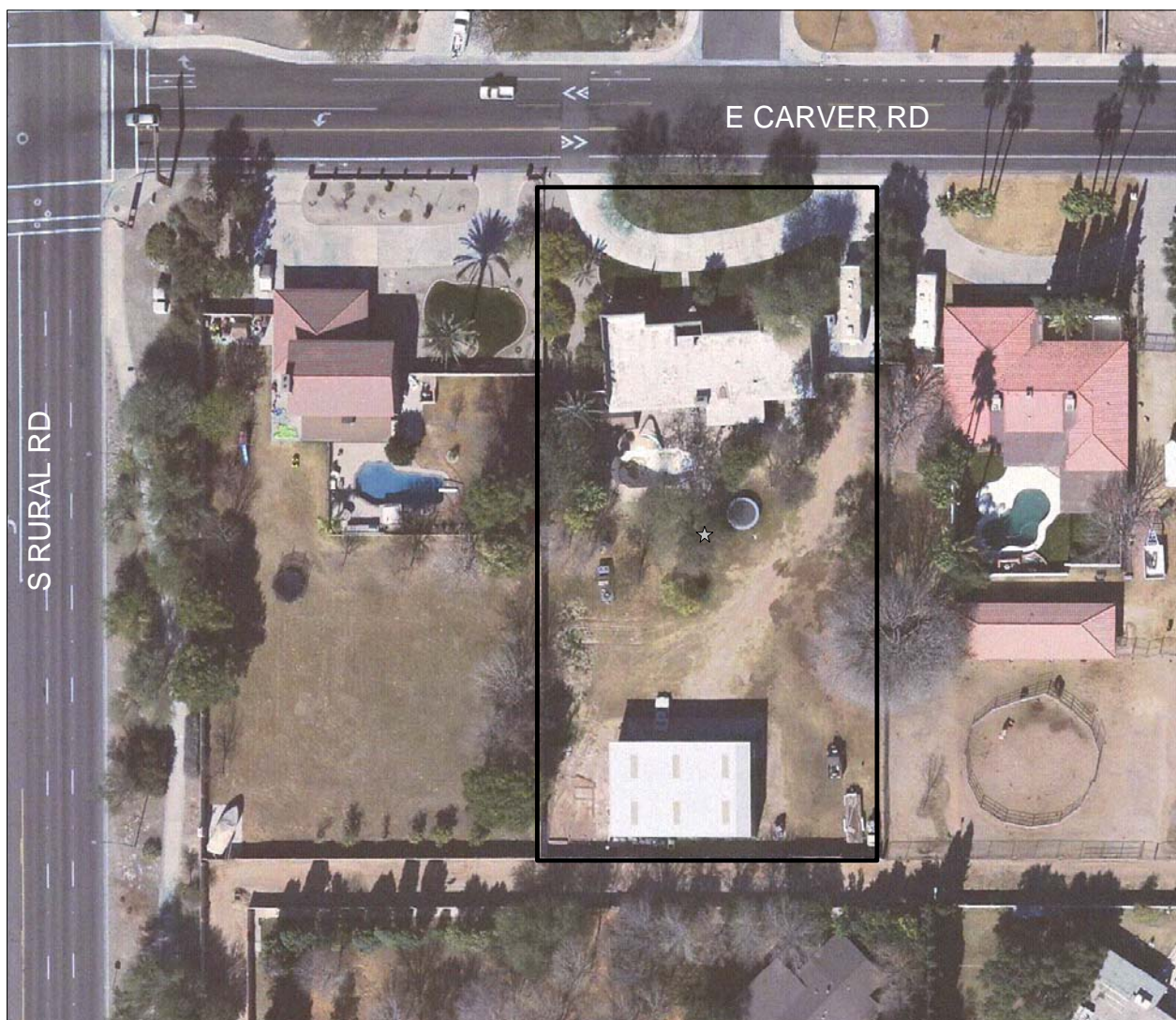
**Citations of Code Requiring Residential Setbacks & Variance(s):**

Part 4, Chapter 2, Section 4-202.  
Part 6, Chapter 3, Section 6-309

**COTTRELL RESIDENCE**

**PL070162**





COTTRELL RESIDENCE (PL070162)

Craig & Andrea Cottrell  
923 E Carver Rd  
Tempe, AZ 85284  
480.893.1404

City of Tempe  
Development Services  
31 East Fifth Street  
Tempe, Az 85280-5002  
480-350-8331

Re: Letter of Explanation for a Variance

To The Committee;

We desire a variance pertaining to the setback of the front yard. We wish to build a new, attached garage. We wish to add the garage onto the north east corner of the existing house. This would infringe slightly upon the 40 foot setback imposed on agricultural properties in Tempe. Specifically, we ask that the variance place the setback at 24 feet.

We feel this is the best option for our property for the following reasons. One; in keeping with the reason this neighborhood was initially established, to maintain as much open, agricultural land as possible behind the residence. We specifically moved into this neighborhood so that we can have our 2 horses on our property. We wish to preserve the pasture land for them and maintain the enjoyment of the property. Two; with residential zoning directly across the street from our property, placing the garage within the 40 foot setback would not stand out in any obtrusive or out-of-the-ordinary way as their setbacks are even less than the 24 feet we are requesting. Our addition would not be out of character for the immediate area. Three; the placement of the current residence on the property would not allow enough turning radius for a garage to be built to the back of the existing home without eliminating most of the patio

space and reducing significantly the enjoyment of the property. Lastly, we wish to enjoy the same benefit as all our neighbors in having a garage.

We have spoken with our neighbors who are not in objection to this project. In fact, they welcome the increase in property value that this addition will bring.

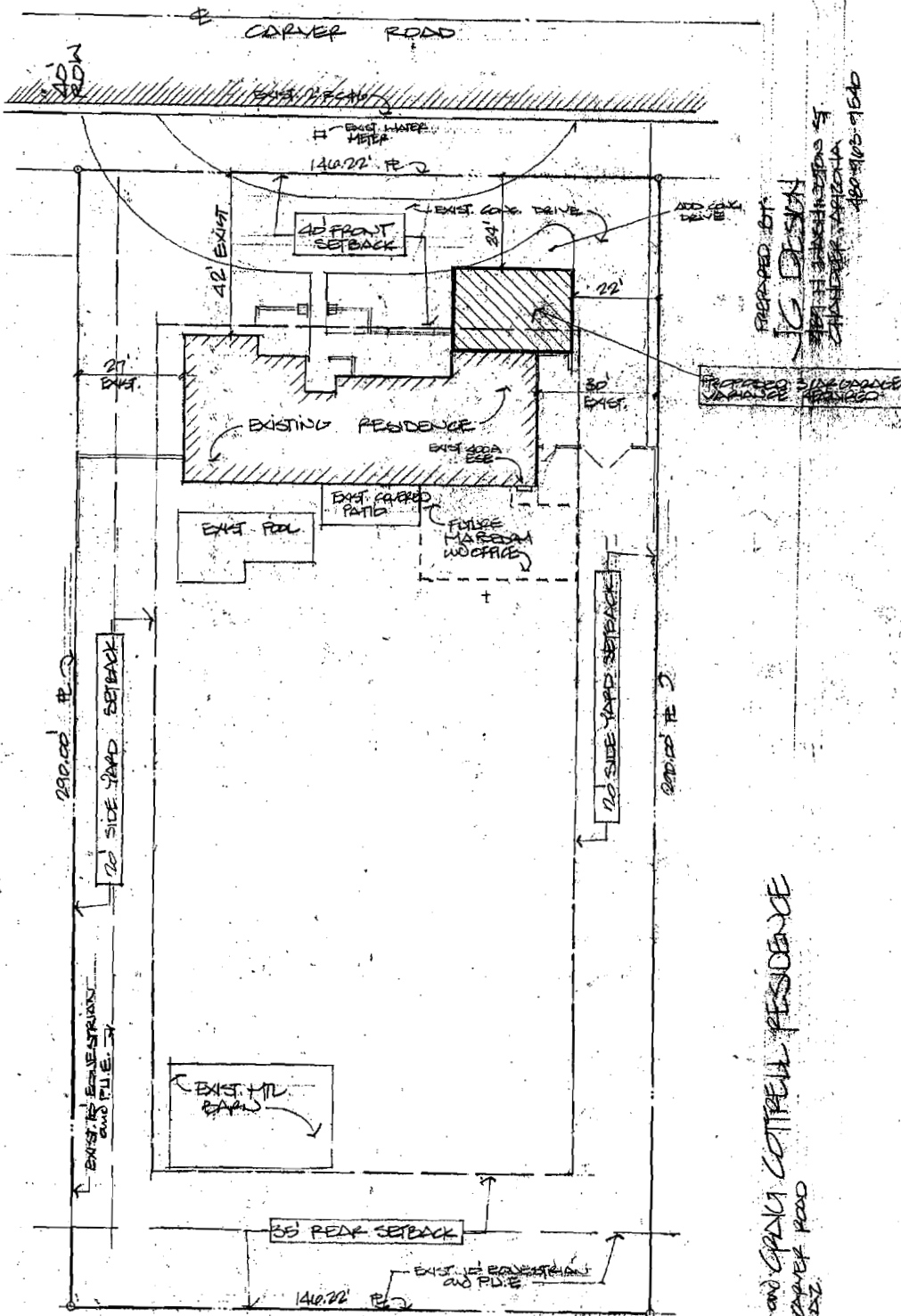
We recently moved into the Buena Vista Neighborhood with our 2 young children. We have anticipated for many years moving into a more rural neighborhood that our children may enjoy the unique aspects of growing up with a more agricultural lifestyle. We hope that you will agree and allow us to preserve our wonderful back yard by granting this request.

Sincerely,

A handwritten signature in black ink that reads "Craig & Andrea Cottrell". The script is cursive and fluid, with the names connected together.

Craig & Andrea Cottrell

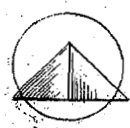




PREPARED BY  
**K. C. DESIGN**  
 30111 SHERIDAN ST.  
 CHANDLER, ARIZONA  
 480-4105-7540

PROPOSED SIDE YARD SETBACK  
 12' SIDE YARD SETBACK

ANDREA and GARY COTTRELL RESIDENCE  
 900 E. CARVER ROAD  
 TEMPE, AZ



SITE PLAN 11-20

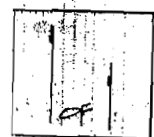
**LEGAL DESCRIPTION:**

720 E. CARVER ROAD TEMPE, AZ  
 LOT 101 BUENA VISTA RANCHOS TEMPE, AZ  
 PARCEL # 34-01-120

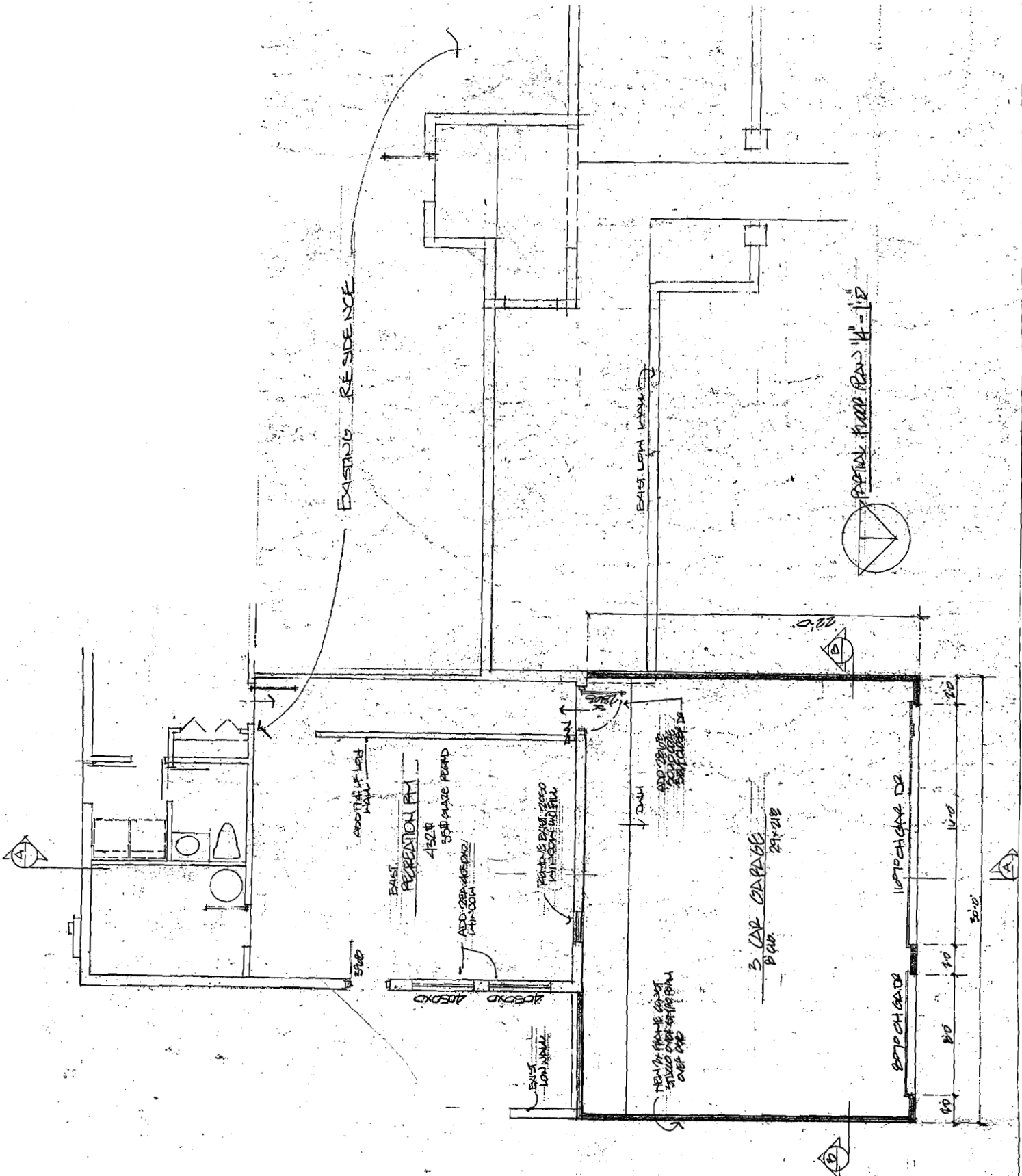
**ZONING:** AG1

**AREA:** 42,397 SF

**LOT COVERAGE:** 25% ALLOWED









Appeal of Hearing Officer's Decision regarding;  
Cottrell request for a variance, **PL070162** 2  
Heard May 1, 2007 by Mr. David Williams

RECEIVED  
07 MAY -7 PM 1:23  
TEMPLE-DEVELOPMENT  
SERVICES DEPARTMENT

Mr. Williams denied our request for a variance in our front set-back from 40 feet to 24 feet in order to build an attached garage. We wish to appeal that decision.

His reason for denying our request was that we live on an acre property and therefore seemed to conclude that there is room to build a garage just anywhere on the property that wouldn't involve a variance of the front set-back to 24 feet.

Perhaps Mr. Williams didn't realize that this is horse property. Two-thirds of our property is permanently fenced for the enjoyment of our horses. Which translates into immense enjoyment for us.

New information we provided to Mr. Williams included the discovery of our septic tank exactly where an attached garage could go to the rear of the property on the east side. We provided the location of the septic and leach fields on an architectural drawing as well as color photographs depicting the location. Our plan B was to build to the rear and attach to the southeast corner of the house. This is not possible now given the location of the septic tank and attached leaching beds. You cannot build overtop of these below-ground structures.

To build beside the septic tank to the east, would mean obstruction of the RV gates which is access for our horses, hay deliveries, vet visits, etc. There isn't enough room there.

In the staff summary report, the aerial photograph attached shows the property as it was used by the previous owner. The changes we have made are significant. We have added horse fencing as noted on the copy we've included. We have discovered the septic tank as also marked on the photo. These two pieces significantly reduce the possibilities of locations for an attached garage.

We cannot build on the west side of our home due to an existing pool and not enough room for a drive given the location of the house to the property line.

It seemed that Mr. Williams hadn't reviewed our materials thoroughly as he did not know the dimensions of the garage in the plans. He stated quite clearly that he could not find any information on our drawings that gave him the dimensions. Mr. Steve Abrahamson was able to provide him with that information quite quickly in looking over our documentation. Perhaps that lack of knowledge of our request led Mr. Williams to conclude we could build a garage in many other locations on our property.

Mr. Williams did graciously approve a use permit for an attached garage to the front east side of our home. However, after a call to our architect, we learned that the reduction to 32 feet would allow a 14 foot long garage which is not nearly long enough for a vehicle given a north-entry setup. To construct a garage with an east-entry setup would mean that the turning radius for even a single car garage would be prohibitive without placing the garage more to the center of the home. However, that design would be significantly detrimental to the elevation of our home and the resulting 'look' to the neighborhood. Our neighbors approve of our current plans. We believe they would not approve plans for a garage in the middle of the house.

In conclusion, we appeal Mr. William's decision based on the following;

- 1) A setback of 32 feet does not allow sufficient room in front of the existing residence to build a garage without severely damaging the aesthetics of our home.
- 2) Our lot is horse property and permanent fencing does not allow for a garage to be built just anywhere in our backyard.
- 3) The only location to the rear of the home for an attached garage is directly on top of a working septic tank and leach fields which would not be approved by the city or county.

- 4) During the Feb 6, 2007 Hearing Officer meeting, Mr. Williams approved a variance request by Christopher Bayne of 347 E Solana Drive to reduce his rear setback from 15 feet to 2 feet!
- 5) As well, during the December 5, 2007 meeting, Mr. Williams approved a side yard variance request for a garage from 15 feet to 5 feet for the Carity Residence. A difference more dramatic pertaining to elevation and aesthetics than we are asking for.

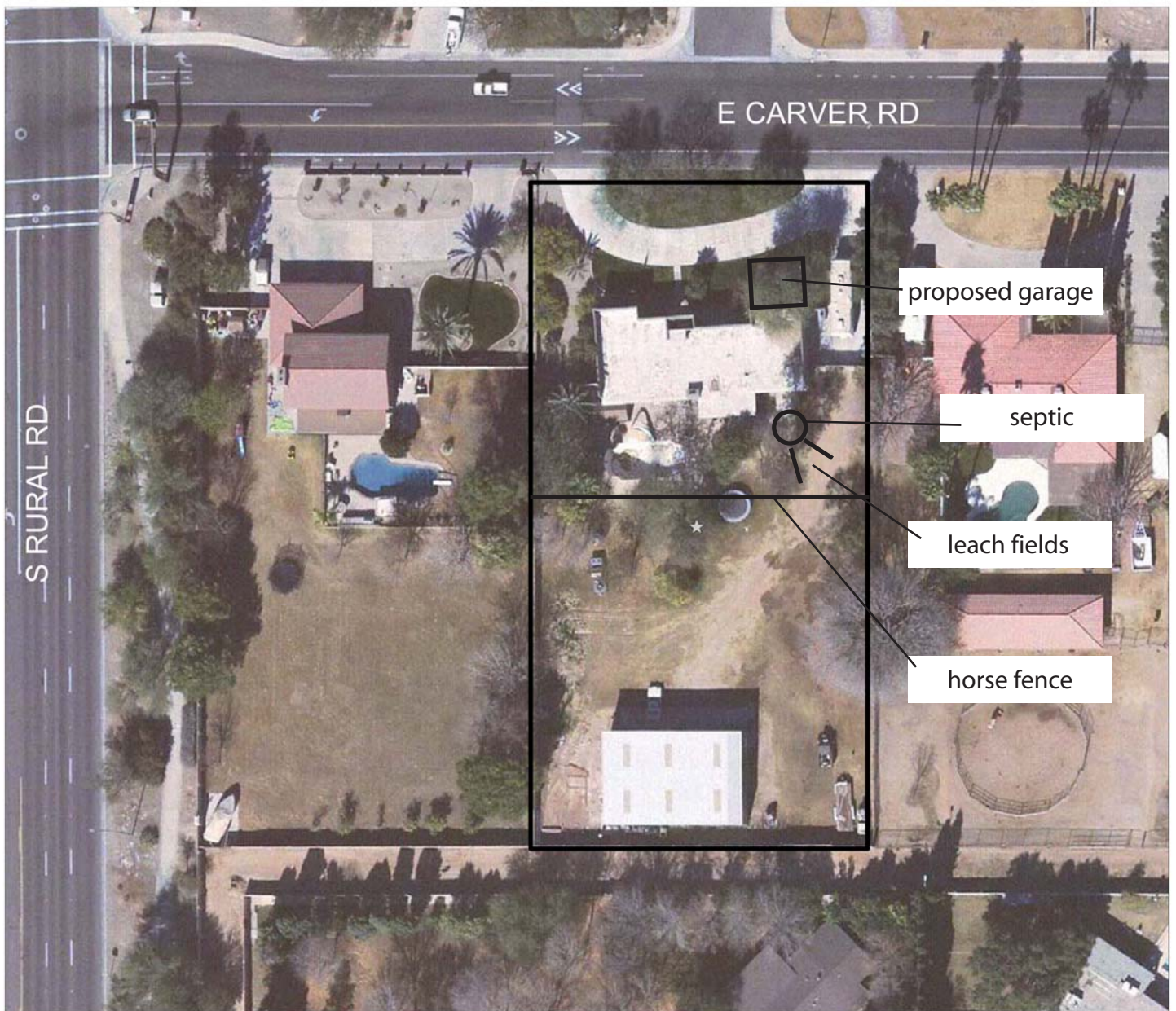
In conclusion; we feel that our plans for an attached garage will compliment the neighborhood significantly; increasing property values as well as not be out of character with our neighbors. The plans show our attention to detail and our architect has created a lovely elevation to compliment our home.

Thank you in advance for your consideration of this appeal.

Craig & Andrea Cottrell







COTTRELL RESIDENCE (PL070162)